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September 25, 2018

Via Electronic Filing

The Honorable Magistrate Judge Katherine Polk Failla
U.S. District Court Southern District of New York
500 Pearl St
New York, NY 10007

Re: *Hugo Ortega Hernandez et al v. Muzzarella Inc. et al* - Request for
Extension

Case No.: 1:17-cv-06164

Dear Honorable Magistrate Judge Failla:

This law firm represents Defendants Muzzarella Inc., John Russo, and Anthony Muzzarella (the “Defendants”) in the above-referenced action.

Pursuant to Rule 2(A) and 2(E) of Your Honor’s Individual Motion Practices, this letter respectfully serves as a request extend the discovery deadline of September 25, 2018.

This is Defendants’ third request for an adjournment. This request is not made on consent of Plaintiff. The requested new discovery deadline date is through and including October 25, 2018.

There are extraordinary circumstances that justify this request and this request is not made lightly.

By way of background, on August 10, 2018, this law firm substituted in place and in the stead of Defendants’ previous counsel [*See* D.E. No. 36]. On August 31, 2018, the undersigned served Plaintiff’s counsel: (i) Defendants’ First Request for the Production of Documents; (ii) Defendants’ Interrogatories; and (iii) the Notice of Deposition of Plaintiff (collectively, “Defendants First Set of Discovery Requests”).

As of the date of this letter, Plaintiff has not even responded to Defendants’ First Set of Discovery Requests.

Since the retention of this law firm, the Defendants have, *inter alia*, served their responses to the Plaintiff’s First Set of Interrogatories and Document Requests, propounded discovery on Plaintiff, and requested and obtained the file of this case from Defendants’ previous counsel.

In addition to the discovery efforts made above, the Defendants are in the process arranging for the continuation of the mediation in this case.

The requested extension and adjournment would not affect any other scheduled dates.

Thus, Defendants respectfully request that the Court extend the discovery deadline of September 25, 2018 through and including October 25, 2018.

Thank you, in advance, for your time and attention.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Joshua D. Levin-Epstein

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